

R590. Insurance, Administration.

R590-186. Bail Bond Surety Business.

R590-186-8. Investigating Unprofessional Conduct.

The Board ~~[and]~~ or the commissioner shall investigate allegations of unprofessional conduct on the part of any bail bond surety, ~~[or]~~ bail bond surety agent, or bail bond producer. Complaints alleging unprofessional conduct shall be submitted in writing to the Department of Insurance.

(1) Investigations shall be completed in the following manner:

(a) Upon receipt of a complaint of unprofessional conduct, the commissioner shall provide a copy of the complaint to the person against whom the complaint was made, and, if warranted, to the person's surety. The commissioner may edit the copy of the complaint mailed under this subsection as may be necessary to protect the identity or interests of the person making the complaint if the complainant so requests.

(b) The subject of the complaint shall provide to the commissioner a written response to the complaint within 15 days of the date the complaint was mailed to ~~[him]~~ respondent.

(c) At the next meeting of the Board, ~~the commissioner shall present [to the Board]~~ the complaint and the action undertaken by the Department to ~~[investigate the complaint]~~ receive comment from the Board.

(d) After the investigation is completed, the commissioner shall present the findings and recommended disposition to the Board. The Board may concur with the commissioner's recommended disposition, recommend a different disposition, or request additional investigation ~~[, or conduct its own investigation]~~.

~~[(i) If the Board conducts its own investigation it may take and record witness statements under oath and may request any documents or other evidence from any person, including necessary financial records.~~

~~[(ii) Witnesses may be compensated for their appearances as specified in 31A-2-301.~~

~~[(iii) The Board may request a Subpoena from the commissioner to compel the production of documents or other evidence or to compel the testimony of a witness.~~

~~[(iv) After the Board completes its investigation, it shall:~~

~~(A) close the investigation if the allegations have been shown to be unfounded or if the matter complained of is satisfactorily resolved; or~~

~~(B) if the investigation shows that unprofessional conduct did occur that requires the imposition of sanctions, it shall compile the evidence necessary to pursue the matter in an administrative proceeding by the Department of Insurance, and shall make a written report of its findings and of its recommendations for the penalties to be applied, and forward the report and evidence to the commissioner for further action within 15 days of the conclusion of the investigation.~~

~~(2) Except for matters referred to the commissioner for further proceedings, the Board shall retain in the Utah Insurance Department a file on each of the investigations it conducts concerning unprofessional conduct for a period of 5 years. Files regarding~~

~~investigations conducted by the Board shall be classified as protected under Governmental Records Access and Management Act (GRAMA).]~~

(i) Disclosures made to the Board under Sections (c) and (d) shall be treated as confidential. Board members may not disclose or act upon any confidential information obtained pursuant to investigations conducted under this Section.

(ii) If the Board requests additional investigation, the commissioner shall reasonably conduct additional investigation in compliance with the policies and procedures of the Department.

(a) The commissioner shall present findings to the Board at the next scheduled board meeting, or at a meeting no sooner than 30 days after the Board's request, at the discretion of the Board.

(b) Upon hearing the results of any additional investigation by the commissioner, the Board shall provide to the commissioner its recommendation within 30 days.

KEY: insurance

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Authorizing, and Implemented or Interpreted Law: 31A-35-104; 31A-35-301; 31A-35-401; 31A-35-406